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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,690	06/07/2001	Brian Collamore	US010390	8205
24737	7590	10/18/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			TOMASZEWSKI, MICHAEL	
			ART UNIT	PAPER NUMBER
			3626	

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/876,690	Applicant(s) COLLAMORE ET AL.	
	Examiner Mike Tomaszewski	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>18 October 2002</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice To Applicant

1. This communication is in response to the application filed on 07 June 2001. Claims 1-18 are pending. The IDS statement filed on 18 October 2002 have been entered and considered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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3. Claims 7-8 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Judd et al. (US 2002/0087503; hereinafter Judd).

(A) As per Claim 7, Judd discloses a method for adding new information to a medical study, the method comprising the steps of:

- (a) acquiring diagnostic information using an information acquisition device (Judd: pg. 3 & 4, par. [0065]; pg. 6, par. [0086]; Fig. 2);
- (b) forwarding the information to a computer (Judd: pg. 4, par. [0067]; Figs. 2-3);
- (c) storing the information (Judd: pg. 5, par. [0075], [0077] and [0078]);
- (d) associating the information with a medical study (Judd: pg. 5, par. [0078]);
- (e) transferring new information to the computer (Judd: pg. 3 & 4, par. [0065]);
- (f) associating the new information with the study (Judd: pg. 3 & 4, par. [0065]; pg. 5, par. [0078]); and
- (g) indicating, in the study, that new information is available (Judd: pg. 2, par. [0023] – [0026]; pg. 4, par. [0067]; Fig. 1 and 13).

(B) Claim 8 substantially repeats the same limitations of Claim 2, and is therefore rejected for the same reasons given for Claim 2.

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(C) Claim 13 differs from method Claim 7 by reciting "a computer readable medium having a program" and "the program comprising logic for performing the steps of" within its preamble. As per these elements, Judd's medical information management system includes computers, databases, servers, and scanners, among other devices (Judd: pg. 3 & 4, par. [0065]; pg. 4, par. [0067]; pg. 5, par. [0075], [0077] and [0078]; Figs. 2-3). As such, it is readily apparent that Judd's medical information management system is controlled by a computer readable medium having a program.

The remainder of Claim 13 substantially repeats the same limitations of method Claim 7, and is therefore rejected for the same reasons given above for Claim 7, and incorporated herein.

(D) Claim 14 substantially repeats the same limitations of Claim 2, and is therefore rejected for the same reasons given for Claim 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, 9-12 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Judd in view of Rapaport et al. (6,192,112; Hereinafter Rapaport).

(A) As per Claim 1, Judd discloses a medical information management system, comprising:

- (a) an information acquisition device (Judd: pg. 3 & 4, par. [0065]; Fig. 2);
- (b) a computer coupled to the information acquisition device, the computer including logic for receiving information from the information acquisition device (Judd: pg. 4, par. [0067]; Figs. 2-3); and
- (c) a memory element associated with the computer, where the memory element stores the information and associates the information with a study; where new information transferred to the computer is associated with the study (Judd: pg. 5, par. [0075], [0077] and [0078]).

Judd, however, fails to expressly disclose a medical information management system, comprising:

- (d) the study is flagged to indicate that new information is available.

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Nevertheless, these features are old and well known in the art, as evidenced by Rapaport. In particular, Rapaport discloses a medical information management system, comprising:

- (d) the study is flagged to indicate that new information is available (Rapaport: pg. 28, lines 40-67 and pg. 29, lines 1-3) (Examiner notes also that Judd teaches the use of e-mail notification to indicate new information is available and provides hyper-links (i.e., flags) within the email to the new information.).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Rapaport with the teachings of Judd with the motivation of providing effective and timely communication of medical information to pertinent parties; and to provide efficient medical information management (Rapaport: col. 1, lines 52-67 and col. 2, lines 1-5).

- (B) As per Claim 2, Judd discloses the medical information management system of Claim 1, wherein the information includes medical image information (Judd: pg. 2, par. [0035]).

Examiner has noted insofar as Claim 2 recites "at least one of ultrasound image information, medical image information, patient measurements, calculations, findings, comments, waveforms, chart records, audio recordings, Doppler audio, Doppler flow

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sounds or heart sounds, Doppler audio, and a medical study report," medical image information has been recited.

(C) As per Claim 3, Judd fails to expressly disclose the medical information management system of Claim 2, further comprising a database, where the database includes a plurality of flags, and at least one of the flags is used to indicate to a user of the medical information management system that the new information has been associated with the study.

Nevertheless, these features are old and well known in the art, as evidenced by Rapaport. In particular, Rapaport discloses the medical information management system of Claim 2, further comprising a database, where the database includes a plurality of flags, and at least one of the flags is used to indicate to a user of the medical information management system that the new information has been associated with the study (Rapaport: pg. 28, lines 40-67 and pg. 29, lines 1-3) (Examiner notes also that Judd teaches the use of e-mail notification to indicate new information is available and provides hyper-links (i.e., flags) within the email to the new information.).

One of ordinary skill would have found it obvious at the time of the invention to include the aforementioned features of Rapaport with the teachings of Judd with the motivation of providing effective and timely communication of medical information to pertinent parties; and to provide efficient medical information management (Rapaport: col. 1, lines 52-67 and col. 2, lines 1-5).

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(D) As per Claim 4, Judd discloses the medical information management system of Claim 3, further comprising a client application, the client application further comprising a user interface configured to present to the user of the medical information management system an indication that the new information has been associated with a study (Judd: pg. 2, par. [0023] – [0026]; pg. 4, par. [0067]; Fig. 1 and 13).

(E) As per Claim 5, Judd discloses the medical information management system of Claim 4, where the client application informs the user of the arrival of new information while the user is reviewing the study to which the new information corresponds (Judd: pg. 2, par. [0023] – [0026]; pg. 4, par. [0067]; Fig. 1 and 13).

(F) As per Claim 6, Judd discloses the medical information management system of Claim 4, where the client application informs the user of the arrival of new information pertaining to a study that the user is not reviewing (Judd: pg. 2, par. [0023] – [0026]; pg. 4, par. [0067]; Fig. 1 and 13).

(G) Claims 9-12 substantially repeats the same limitations of Claims 2-6, and are therefore rejected for the same reasons given for those claims.

(J) Claims 15-18 substantially repeat the same limitations of Claims 2-6, and are therefore rejected for the same reasons given for those claims.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The cited but not applied art teaches a method and system for maintaining and updating computerized medical records (5,899,998); accessing stored ultrasound images and other digital medical images (6,032,120); and an ultrasound image and other medical image storage system (6,847,933).

The cited but not applied prior art also includes non-patent literature articles by PR Newswire ("MedQ and InSiteOne Form Strategic Alliance" Feb. 5, 2001. pg. 1.) and Ruth E. Dayhoff, M.D. ("A Medical Image Database System" Dec. 1988. Computers In Healthcare. Vol. 9, Iss. 12. pg. 39.).

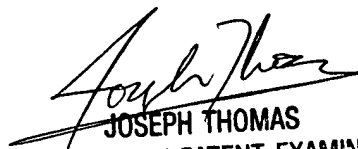
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Tomaszewski whose telephone number is (571)272-8117. The examiner can normally be reached on M-F 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (571)272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT 10.5.05


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